

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 926 - HB 1245

March 7, 2015

SUMMARY OF BILL: Creates new vandalism offenses for damaging retail merchandise; soliciting, directing, aiding, or attempting commission of vandalism of a retail merchant; and facilitating vandalism or acting as an accessory after the fact to a vandalism of retail merchant.

Redefines “damage” under the vandalism statute to include intentionally spilling, pouring, or otherwise administering chemicals or other toxic substances to or on merchandise with the intent to make the merchandise unsellable or unusable, or to alter the merchandise. Any other manner of destroying, harming, or decreasing the value of merchandise offered for sale is also “damage” under the definition.

Adds definition for “merchandise” including any goods, chattels, foodstuffs, or ware of any type of description, regardless of the value.

Defines “retail merchant” as any person primarily engaged in the business of making retail sales. Defines “retail sale” or “sale at retail” as any sale other than a wholesale sale.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Currently, vandalism is a felony graded in the same manner as theft under Tenn. Code Ann. § 39-11-106(a)(36) and punished the same as theft under Tenn. Code Ann. § 39-14-105. The proposed legislation broadens the offense of vandalism. Under the proposed legislation, it would be a crime to knowingly damage merchandise offered for retail sale by a retail merchant; to knowingly solicit, direct, aid, or attempt to aid another to commit vandalism of a retail merchant, while acting with the intent to promote or assist the commission of a vandalism of a retail merchant, or to benefit in the proceeds or result of the offense; or to facilitate the commission of vandalism of a retail merchant or act as an accessory after the fact to vandalism of a retail merchant.
- However, the proposed legislation does not criminalize any new conduct. The new categories of vandalism added by the proposed legislation could currently be prosecuted under the vandalism statute or under the criminal responsibility statutes in Title 39, Chapter 11, Part 4. The proposed legislation will not significantly impact state incarceration expenditures.

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- Any impact to the District Attorneys General Conference and District Public Defenders Conference can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Any impact to the caseloads of state trial courts can be accommodated within existing judicial resources without an increased appropriation or reduced reversion.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, reading "Jeffrey L. Spalding". The signature is written in a cursive, flowing style.

Jeffrey L. Spalding, Executive Director

/trm